

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

HOUSE BILL 224
RATIFIED BILL

AN ACT TO AMEND VARIOUS LAWS AFFECTING THE ADMINISTRATIVE OFFICE
OF THE COURTS.

The General Assembly of North Carolina enacts:

**PART I. ALLOW STATE AGENCIES AND OTHER ENTITIES TO OPT OUT OF
RECEIVING COPIES OF THE APPELLATE REPORTS**

SECTION 1. G.S. 7A-343.1 reads as rewritten:

"§ 7A-343.1. Distribution of copies of the appellate division reports.

(a) The Administrative Officer of the Courts shall, at the State's expense distribute such number of copies of the appellate division reports to federal, State departments and agencies, and to educational institutions of instruction, as follows:

...
(b) A recipient listed in subsection (a) of this section may choose not to receive its copies of the appellate division reports, or choose to receive fewer than the number of copies allotted to it, by notifying the Administrative Officer of the Courts in writing. Should the recipient again wish to receive its full allotment of the appellate division reports, the recipient shall notify the Administrative Officer of the Courts in writing, and the Administrative Officer of the Courts may, in his or her discretion, resume distribution to the recipient."

**PART II. ALLOW CUSTODIANS OF STATE PUBLICATIONS TO RELEASE
UNNECESSARY PUBLICATIONS TO STATE SURPLUS**

SECTION 2. G.S. 14-241 reads as rewritten:

"§ 14-241. Disposing of public documents or refusing to deliver them over to successor.

It shall be the duty of the clerk of the superior court of each county, and every other person to whom the acts of the General Assembly, appellate division reports or other public documents are transmitted or deposited for the use of the county or the State, to keep the same safely in their respective offices; and if any such person having the custody of such books and documents, for the uses aforesaid, shall negligently and willfully dispose of the same, by sale or otherwise, or refuse to deliver over the same to his successor in office, he shall be guilty of a Class 1 misdemeanor. If the clerk of superior court or other custodian determines that the acts of the General Assembly or the appellate division reports no longer are necessary to the effective operation of his or her office, the clerk or other custodian may transfer these materials to the proper recipient for disposition as surplus State property or as otherwise directed by the State Surplus Property Agency of the Department of Administration."

**PART III. REQUIRE THE CLERK OF SUPERIOR COURT TO REPORT
CONDITIONAL DISCHARGES TO THE ADMINISTRATIVE OFFICE OF THE
COURTS TO ASSIST THE COURT IN EVALUATING A DEFENDANT'S
ELIGIBILITY FOR THE CONDITIONAL DISCHARGE**

SECTION 3. G.S. 15A-150(a) reads as rewritten:

"(a) Notification to AOC. – The clerk of superior court in each county in North Carolina shall, as soon as practicable after each term of court, file with the Administrative Office of the Courts the names of the following:

- (1) Persons granted an expunction under this Article.
- (2) ~~Persons granted a conditional discharge under G.S. 14-50.29.~~
- (3) ~~Persons granted a conditional discharge under G.S. 90-96 or G.S. 90-113.14.~~
- (4) Repealed by Session Laws 2010-174, s. 7, effective October 1, 2010.



- (5) ~~Persons granted a conditional discharge under G.S. 14-204.~~
- (6) Persons granted a dismissal upon completion of a conditional discharge under G.S. 14-50.29, 14-204, 14-313(f), 15A-1341(a4), 90-96, or 90-113.14."

PART IV. MAKE CONFORMING CHANGES REGARDING ACCESS TO EXPUNCTION INFORMATION FOR LAW ENFORCEMENT EMPLOYMENT PURPOSES

SECTION 4. G.S. 15A-151(a) reads as rewritten:

"(a) The Administrative Office of the Courts shall maintain a confidential file containing the names of those people for whom it received a notice under G.S. 15A-150. The information contained in the file may be disclosed only as follows:

- (1) To a judge of the General Court of Justice of North Carolina for the purpose of ascertaining whether a person charged with an offense has been previously granted a discharge or an expunction.
- (2) To a person requesting confirmation of the person's own discharge or expunction, as provided in G.S. 15A-152.
- (3) To the General Court of Justice of North Carolina in response to a subpoena or other court order issued pursuant to a civil action under G.S. 15A-152.
- (4) ~~If the criminal record was expunged pursuant to G.S. 15A-145.4 or G.S. 15A-145.5, G.S. 15A-145.4, 15A-145.5, or 15A-145.6, to State and local law enforcement agencies for employment purposes only.~~
- (5) If the criminal record was expunged pursuant to G.S. 15A-145.4, 15A-145.5, or [15A-]145.6, to the North Carolina Criminal Justice Education and Training Standards Commission for certification purposes only.
- (6) If the criminal record was expunged pursuant to G.S. 15A-145.4, 15A-145.5, or 15A-145.6, to the North Carolina Sheriffs' Education and Training Standards Commission for certification purposes only."

PART V. CLARIFY THAT THE COURT MAY ORDER SUPERVISED PROBATION FOR ANY CONDITIONAL DISCHARGE OR DEFERRED PROSECUTION

SECTION 5. G.S. 15A-1342(a1) reads as rewritten:

"(a1) Supervision of Defendants on Deferred Prosecution or Conditional Discharge. – The Section of Community Corrections of the Division of Adult Correction of the Department of Public Safety may be ordered by the court to supervise an offender's compliance with the terms of a conditional discharge or deferred prosecution ~~agreement entered into under G.S. 15A-1341(a1), (a3), or (a4).~~ agreement. Violations of the terms of the agreement or conditional discharge shall be reported to the court as provided in this Article and to the district attorney in the district in which the agreement was entered."

PART VI. ALLEVIATE DUPLICATIVE REPORTING REQUIREMENT CURRENTLY IMPOSED UPON CLERKS OF SUPERIOR COURT

SECTION 6. G.S. 148-32.1(c) is repealed.

PART VII. ELIMINATE OUTDATED REQUIREMENT FOR CLERKS OF SUPERIOR COURT TO REPORT INFORMATION ON ATTORNEYS IN THE COUNTY TO THE SECRETARY OF STATE

SECTION 7. G.S. 7A-110 is repealed.

PART VIII. ELIMINATE UNNECESSARY PRINTING REPORT

SECTION 8. G.S. 7A-343.3 reads as rewritten:

"§ 7A-343.3. Appellate Courts Printing and Computer Operations Fund.

The Appellate Courts Printing and Computer Operations Fund is established within the Judicial Department as a nonreverting, interest-bearing special revenue account. Accordingly, interest and other investment income earned by the Fund shall be credited to it. All moneys collected through charges to litigants for the reproduction of appellate records and briefs under G.S. 7A-11 and G.S. 7A-20(b) shall be remitted to the State Treasurer and held in this Fund. Moneys in the Fund shall be used to support the print shop operations of the Supreme Court and the Court of Appeals, including personnel, maintenance, and capital costs. The Judicial

Department may create and maintain receipt-supported positions for these purposes but shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety prior to creating such new positions.

~~The Judicial Department shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety by January 1 of each year on all receipts and expenditures of the Fund."~~

PART IX. VEST RESPONSIBILITY FOR SETTING LIABILITY LIMIT ON NONECONOMIC DAMAGES WITH THE OFFICE OF STATE BUDGET AND MANAGEMENT

SECTION 9. G.S. 90-21.19(a) reads as rewritten:

"(a) Except as otherwise provided in subsection (b) of this section, in any medical malpractice action in which the plaintiff is entitled to an award of noneconomic damages, the total amount of noneconomic damages for which judgment is entered against all defendants shall not exceed five hundred thousand dollars (\$500,000). Judgment shall not be entered against any defendant for noneconomic damages in excess of five hundred thousand dollars (\$500,000) for all claims brought by all parties arising out of the same professional services. On January 1 of every third year, beginning with January 1, 2014, the ~~Administrative Office of the Courts~~ Office of State Budget and Management shall reset the limitation on damages for noneconomic loss set forth in this subsection to be equal to five hundred thousand dollars (\$500,000) times the ratio of the Consumer Price Index for November of the prior year to the Consumer Price Index for November 2011. The ~~Administrative Office of the Courts~~ Office of State Budget and Management shall inform the Revisor of Statutes of the reset limitation. The Revisor of Statutes shall publish this reset limitation as an editor's note to this section. In the event that any verdict or award of noneconomic damages stated pursuant to G.S. 90-21.19B exceeds these limits, the court shall modify the judgment as necessary to conform to the requirements of this subsection."

PART X. EFFECTIVE DATE

SECTION 10. Section 3 of this act becomes effective December 1, 2015, and applies to conditional discharges granted on or after that date. The remainder of this act becomes effective July 1, 2015.

In the General Assembly read three times and ratified this the 21st day of May, 2015.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Pat McCrory
Governor

Approved _____, m. this _____ day of _____, 2015